

to this chapter, issue and from time to time amend, plans applicable to growers, grower-shellors, shellors, first handlers, and importers of pecans. Any such plan shall be national in scope. Not more than one plan shall be in effect under this chapter at any one time.

**(b) Procedure**

**(1) Proposal for issuance of plan**

The Secretary may propose the issuance of a plan under this chapter, or an association of pecan growers or grower-shellors or any other person that will be affected by this chapter may request the issuance of, and submit a proposal for, such a plan.

**(2) Proposed plan**

Not later than 60 days after the receipt of a request and proposal by an interested person for a plan, or when the Secretary determines to propose a plan, the Secretary shall publish a proposed plan and give due notice and opportunity for public comment on the proposed plan.

**(3) Issuance of plan**

After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue a plan, taking into consideration the comments received and including in the plan provisions necessary to ensure that the plan is in conformity with the requirements of this chapter.

**(4) Effective date of plan**

Such plan shall be issued and become effective not later than 150 days following publication of the proposed plan.

**(c) Amendments**

The Secretary, from time to time, may amend any plan issued under this section. The provisions of this chapter applicable to a plan shall be applicable to amendments to a plan.

(Pub. L. 101-624, title XIX, §1908, Nov. 28, 1990, 104 Stat. 3841.)

**§ 6004. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, §1909, Nov. 28, 1990, 104 Stat. 3841.)

**§ 6005. Required terms in plans**

**(a) In general**

Each plan issued under this chapter shall contain the terms and conditions prescribed in this section.

**(b) Pecan Marketing Board**

**(1) Establishment**

The plan shall establish a Pecan Marketing Board to carry out the program referred to in section 6001(b) of this title.

**(2) Service to entire industry**

The Board shall carry out programs and projects that will provide maximum benefit to the pecan industry in all parts of the United States and only generically promote pecans.

**(3) Board membership**

The Board shall consist of 15 members, including—

(A) 8 members who are growers;

(B) 4 members who are shellors;

(C) one member who is a first handler and who derives over 50 percent of the member's gross income from buying and selling pecans;

(D) one member who is an importer of pecans into the United States, nominated by the Board;

(E) one member representing the general public, nominated by the Board; and

(F) at the option of the Board, a consultant or advisor representing the views of pecan producers in a country other than the United States who may be chosen to attend Board functions as a nonvoting member.

**(4) Representation of members**

**(A) Grower representatives**

Of the growers referred to in paragraph (3)(A), 2 members shall be from each district.

**(B) Sheller representatives**

Of the shellors referred to in paragraph (3)(B)—

(i) 2 members shall be selected from among shellors whose place of residence is east of the Mississippi River; and

(ii) 2 members shall be selected from among shellors whose place of residence is west of the Mississippi River.

**(C) First handler representative**

The first handler representative on the Board referred to in paragraph (3)(C) shall be selected from among first handlers whose place of residence is in a district.

**(D) Importer representative**

The importer representative on the Board referred to in paragraph (3)(D) shall be an individual who imports pecans into the United States.

**(E) Public representative**

The public representative on the Board referred to in paragraph (3)(E) shall not be a grower, grower-sheller, sheller, first handler, or importer.

**(5) Alternate for each member**

Each member of the Board shall have an alternate with the same qualifications as the member such alternate would replace.

**(6) Limitation on State residence**

There shall be no more than one member from each State in each district, except that the State of Georgia may have 2 growers from such State representing the district that it is in.

**(7) Modifying Board membership**

In accordance with regulations approved by the Secretary, at least once each 3 years and not more than once each 2 years, the Board shall—

(A) review the geographic distribution of pecan production throughout the United States; and

(B) if warranted, recommend to the Secretary that the Secretary reapportion a district in order to reflect the geographic distribution of pecan production.